IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1245 OF 2006

Shahaji Laxman Gunaware. ...Applicant
V/s.
The State of Maharashtra. ...Respondent

Shri Mahesh Pahane for Applicant.
Ms.M.M. Deshmukh, APP for the State.

CORAM : V.M. KANADE, J.

DATED : APRIL 12, 2006

P.C. :-

. Heard learned Counsel for the applicant and learned APP for the State.

. The applicant was arrested on 16th December, 2005 in connection with an offence punishable under Section 302 read with Sections 323, 504 read with Section 34 of the IPC. The role attributed to the present applicant is that he had given kick blows to the deceased on his feet. There is single injury on the head of the deceased. The chargesheet has been filed. The trial is not likely to commence for some time. The applicant is residing 15 km. away from the place of the incident where the deceased was killed. The other

applicants have been released on bail by this Court by order dated 20th March, 2006. In my view, the applicant is entitled to be released on the ground of parity as also in view of the other circumstances mentioned herein.

2. The applicant be released on bail in the sum of Rs.5000/- with one or two sureties in the like amount. The applicant shall not tamper with the evidence or threaten the witnesses. If any complaint is received by the Investigating Officer, liberty is granted to the Public Prosecutor to apply for cancellation of bail. The applicant shall report to the concerned Police Station twice in a month.

3. The trial Court shall not be influenced by any observations made by this Court while deciding the application and they shall not be construed as an expression of opinion on merits of the case.

. The application is disposed of.

(V.M. Kanade, J.)